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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,635	06/30/2000	Joan A. Schuller	6258/9	9395

27383 7590 08/27/2003

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EXAMINER

CHANG, SABRINA A

ART UNIT PAPER NUMBER

3625

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,635

Applicant(s)

SCHULLER, JOAN A.

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Status of Papers

This office action is an amended version of the “Final Rejection”, Paper 9 - dated 3/19/2003, pursuant to a telephone interview – conducted on 6/16/03.

In the telephone interview, applicant’s representative and the examiner mutually agreed that there had been an error in the original Final Rejection, Paper 9. Specifically, examiner failed to address claims 17-25. Both parties recognized however that this had been a typographic omission and that the rejection should have encompassed claims 17-25 using the same art and arguments applied to claims 6-12.

Applicant requested that the time be restarted. Examiner’s acting supervisor agreed to restart the time period and give the applicant one month. This office action is in accordance with that agreement – see “Interview Summary” dated 6/16/03.

The notice of appeal, filed 6/20/03, is dismissed as being premature in view of the agreement made on 6/16/03 and this office action.

Amendment B, filed 6/20/03, has not been entered into record because it is not responsive to this amended office action.

A shortened statutory period for reply to this final action is set to expire **one month** from the mailing date of **this** office action.

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Response to Amendment

Applicant's "Response to office action", filed January 2, 2003, see Paper 8, has been considered to the following effect.

Amendments to claims 6, 7, and 9 as well as the addition of claims 17-25 have been made of record.

Response to Arguments

Applicant's arguments, see Paper 8, with respect to the inappropriate application of art, the article Worldwidetesting.com and Chemical net announce strategic partnership", has been fully considered and are persuasive. The use of this article as a means of describing the invention, the website www.worldwidetesting.com, has been withdrawn. However, examiner respectfully notes that the use of the article was not integral in describing the invention of www.worldwidetesting.com.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 – 12, and 17 – 25 are rejected under 35 U.S.C. 103(a) as being anticipated by the services of the company/website www.worldwidetesting.com - as described by the press releases from the company worldwidetesting dated June 22, 1999 and November 15, 1999, pages from the website www.worldwidetesting.com excised from "The Wayback Machine"

(web.archive.org) dated from January to April 2000, and the article "Producers, Third-party

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exchanges gear up for the online buy” (Reilly, Christopher. Dec. 16, 1999. Purchasing) – in view of official notice regarding the functionality of e-commerce enabled websites.

Worldwidetesting facilitates commerce for chemically-related needs in industry. The site contains industry-testing standards for most industrial nations and a database of materials and testing results [Web Pages]. Specifically, the website provides buyers and sellers secure access to laboratory sample and test data relating to products offered through trading exchanges and online catalogs [Web Pages]. Customers can log into online chemical exchanges or e-commerce enabled chemical purchasing sites and access information directly from worldwidetesting [PR 6/22/99]. For example, on a trading exchange, a buyer will see a listing for a specific product and next to that there’s an icon that allows him/her to review worldwidetesting’s results of that product [Article]. Customers can review a test for a specific product or place a testing order for specific to their unique needs [PR 6/22/99] (chemical product data comprises starting point formulation where modifications can be made based on target characteristics input by user).

Worldwidetesting does not explicitly disclose the ability to process purchase orders for chemical products. Official notice is taken that it is widely known in the art that e-commerce enabled websites, chemical exchanges or otherwise, include secure purchase order and payment processing functionality. It would have been obvious to one skilled in the art at the time to modify the system of worldwidetesting, which allows users to log into online chemical exchanges and search for product information using worldwidetesting’s databases, to further include secure purchasing functionality, as officially noticed, in order to fully benefit both buyers in sellers by creating a more informed satisfactory purchasing transaction.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire ONE MONTH from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THIRD MONTH, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

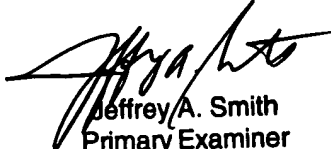
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

SC

June 18, 2003


Jeffrey A. Smith
Primary Examiner
Acting SPE
AU 3625